BOOKS AND AUTHORS — REVIEWS AND COMMENT

LITERARY CRITICISM AND BOOK NEWS

Senator Lodge on Representative Government —Professor Muensterberg Returns to the Charge—Mr. E. V. Lucas in Venice.

THE CONSTITUTION.

THE DEMOCRACY OF THE CONSTITUTION AND OTHER ADDRESSES AND ESSAYS. By Henry Cabot Lodge. 8vo, pp. 297. Charles Scribner's Sons.

The fads and fancies of politics have to be shot at as they fly. Otherwise they may recede rapidly into the void, and shooting at them may become a form of targetless target practice. Four of the addresses which Senator Lodge has incorporated in this new volume of his essays and speeches deal with the conflict between direct government methods, like the initiative, the referendum and the judicial recall, and the system of indirect government worked out with so much elaboration in the Federal Constitution. The addresses date from 1911, 1912 and 1913. Those were years of unrest and of sharp dissatisfaction—at least on the surface—with constitutional restrictions. Colonel Roosevelt was advocating the recall of judicial decisions and many other innovations in the line of advanced democracy. Justice Clark, of the North Carolina Supreme Court, an intimate political friend of Mr. Bryan, was agitating for the annulment of the power of the Federal Supreme Court to declare federal and state laws void, because unconstitutional. Mr. Bryan was going about the country saying that nobody could be classified as a Democrat who didn't believe in the sanctity of the initiative and referendum.

Mr. Lodge was discussing an issue which loomed large and excited much angry feeling. His addresses were polemics against the heresies of the new Constitutional theorists. He stood fast on the wisdom of the Fathers and eagerly defended the indirect or representative system of government. This is 1915, and already the agitation for revolutionary changes in governmental methods has largely abated. So far as the federal system is concerned, it is dead. The Massachusetts Senator's speeches deal, therefore, with what is, in the main, a closed incident. They have lost a good deal of their contemporaneous interest. But their value as a contribution to the philosophy of democratic government remains.

These essays are controversial rather than critical. They have all the virtues of polemics—and some of the defects. In order to combat the application of the direct government theory in national affairs Mr. Lodge lays great emphasis on the value of "representative government." "The one great contribution of modern times to the science of government," he says, "has been the representative system." But "representative government" is unfortunately an ambiguous term. All the governments we know of are representative. As Mr. Lodge points out in one of his addresses, even in an advanced democracy the voters, though they exercise many powers directly, must represent the non-voters. In an autocracy the autocrat represents the rest of the community. It is, therefore, not the representative idea, but the complication of the representative system—the separation of the executive, legislative and judicial powers and the hard-and-fast balance established between the different agencies of government—which is "the great contribution of modern times to the science of government." That system of complication reached its climax in our own federal system.

"Representative," too, has a confusing connotation. As applied to governments nowadays, it suggests a close reflection in governmental agencies of the will and purpose of the governed. The most common charge made against representative governments is that they are non-representative or mis-representative—that is, that they fail to give effect to the will either of the electors or of the whole mass of the people. It is this confusion as to what representative means, for instance, which has led most New Yorkers to put a more or less humorous valuation on Mr. William Barnes's voluminous expositions of what he contends is "representative government."

The real contrast is between government (more or less direct) by the electors, and government by agents of the electors once, twice or thrice removed. The framers of the federal Constitution applied the indirect theory with extraordinary sagacity. The value of their work, as a whole, is seldom disputed. The system which they created was full of intricate checks and balances: three co-ordinate departments, each jealous of the encroachments of the other two; the veto power of the President on legislation, and the veto of the Senate on Presidential appointments; the participation of the Senate in the treaty making function; the equal representation of all the states in the Senate; the requirement of a two-thirds majority in each branch of Congress for the submission of a constitutional amendment, and of the consent of the legislatures of three-fourths of the states for an amendment's ratification—all these complications of the machinery of popular government gave the federal union an exceptional stability and protected the rights of voting minorities and of non-voters to an extent never before attained. The federal Constitution established security and liberty by guarding an untrained democracy against its own excesses.

In a hundred and twenty-five years we have got away from the indirect model of the Fathers in only two important respects. They left the choice of a President to an electoral college whose members could be named by the state legislatures, if the legislatures so chose. There were two middlemen between the voters and the Presidency. Up to Jackson's time, so far as the Presidential office was concerned, we had a government of small groups of politicians, for such groups in Congress generally designated the candidates for whom the electoral middlemen voted. Jackson brought in the national convention, which reduced the Electoral College to a mere registering board. Only recently the popular desire for more direct control of elections to the federal Senate has compelled the adoption of a constitutional amendment providing for the election of Senators by popular vote.

Considering the time and effort it took to bring about these two changes (which were changes not in principle, but only in machinery), what chance would there be for radical innovations like a federal initiative and referendum, the recall of decisions made in the federal courts or the recall by popular vote of federal judges? Nobody has worked out a scheme for the election of federal judges, and there is far less reason for agitating for the direct election of Supreme Court justices, for instance, than there is for agitating for the direct election of Presidents. The President appoints the justices, and in choosing a President the people invest him with latent power to make over the court. After playing for two years with the idea of a direct Presidential primary, the present administration has had to put it aside as unconstitutional and impracticable.

The proved stability of the federal system is its greatest vindication. Mr. Lodge properly argues that the indirect government which the federal Constitution has provided ought to be judged by its fruits. It has worked well for a century and a quarter. It will probably continue to work well for a long time to come. Americans care more for results than they do for theories. So far as the nation is concerned, there is little dissatisfaction over our failure to align ourselves with more advanced democracies like Switzerland and Australia. The indirect system, being so interconnected with the federal system, is hardly vulnerable to nation-wide attacks. Any successful assault on it must originate in the domain of the states.

Two of Mr. Lodge's addresses deal with the encroachments of direct government within the states. There the situation is different. State sovereignty is completer and much more visible than national sovereignty is. The use of power by the people is far less hampered. Being a unit with a fairly developed self-consciousness, the electorate does not shrink from experimenting with direct action. The federal constitution, with its guarantees of the rights of minorities and individuals not to be set aside by state legislation, provides an element of permanence and stability; there is, therefore, less risk within the local field in applying such novel devices as the initiative, the referendum and the judicial recall.

A somewhat different argument must be framed against the use of direct methods in state government. It is rather surprising to find Mr. Lodge accepting, in view of this necessity, so dubious a contention as the one that direct government must mean, in this domain, a government by minorities. In his address to the Massachusetts Republican State Convention of 1912 he cites the results of referendums in Ohio, and in another address results of direct votes in Maine and Massachusetts, to show that fewer voters take part in direct law making than vote for candidates for state officers.

This is a common phenomenon. But does it prove anything? So far as ordinary legislation goes, do the laws passed by a legislature represent a larger volume of public opinion than laws adopted by the minority of an electorate? Putting aside cases in which, through the boss system, two, three or a dozen men control a legislature's action, it is manifest that legislatures are easily swayed by minority interests in the form of labor and trade organizations. A small and active minority in a constituency can usually win the vote of the legislator representing that constituency. The 20, 30, 40 or 60 per cent of the electorate voting on a proposition is, therefore, as a rule, less of a minority than the power behind most legislation passed by a legislature.

Even if it were not, why impute it as a fault to the direct system that it favors the minority, when in the federal system the indirect method is applauded as one of the chief safeguards of the rights of minorities? Under either system government remains largely in the hands of a minor fraction of the community. Real majority government is still far ahead of us.

The faults of the direct system are clumsiness, indifference and irresponsibility. The public will not shift from the indirect to the direct method unless it sees a real chance of betterment. Western states are balancing the advantages of the referendum against those of intermediary legislation. It is a school in political experimentation in which much may be learned at comparatively little cost. The defenders of the representative system need not be unduly alarmed at a process which will give the old style as well as the new style of popular government a fair and searching trial. But, as Mr. Lodge proves, the federal system will be long secure from the effects of any changes in the states in the direction of more direct government.

DRAWING by REGINALD BIRCH (FROM "HAPPY POLLYOOLY." BOBBS-MERRILL CO.)

"JUDGES ALL RANGED"

A Group of Eccentric Scotch Characters.

SOME OLD SCOTS JUDGES. Anecdotes and Impressions. By W. Forbes Gray. With portraits. 8vo, pp. xii, 217. E. P. Dutton & Co.

It is an amazing company which Mr. Gray presents in this book—twelve Scotch judges of the end of the eighteenth and the beginning of the nineteenth century, most of them Scott's contemporaries, eccentrics all, some of them far worse than that in character, speech, legal lore and judicial temper; others men of merit off the bench, if not on it. Not a book of anecdotes, this, nor one only for lawyers, but a little of both, and more, for several of these judges helped to give Edinburgh the intellectual status it had in their day. Jeffreys, the first editor of "The Edinburgh Review," is of their number. Indeed, the strangest feature of these twelve biographical sketches is the sharp contrast some of their subjects present in their quality as judges and as men. At the same time, one can dip into these pages for an abundance of anecdotes.

There was Lord Eskgrove, who has his place here because he was "an absurd person" who yet for two and twenty years administered the law in the Supreme Court of Scotland. Here is a passage from one of his addresses to the jury: "And so, gentlemen, having shown you that the panel's argument is impossible, I shall now proceed for to show you that it is extremely improbable." There was Lord Hermand, a confirmed drunkard, who objected to a light sentence pronounced by another judge upon a man who had killed a companion in a drunken brawl: 'He murdered the man he had been drinking with! They had been carousing all night, and yet he stabbed him after drinking a whole bottle of rum with him! Good Lord! If he will do this when he is drunk, what will he not do when he is sober?" And there was Lord Braxfield, the original of Weir of Hermiston, a ferocious judge like Jeffreys, who considered that every person placed on trial before him would be "nane the waur o' a hanging." His broad Scotch accent made his speech often difficult to understand. In illustration whereof this final anecdote from Mr. Gray's book:

"'Hae ye ony coonsel, man?' said he to Maurice Margarot, when placed at the bar on a charge of sedition. 'No,' was the laconic reply. 'Dae ye want to hae ony appointit?' continued the judge. 'No,' said Margarot sarcastically, 'I only want an interpreter to make me understand what your lordship says.'"

VENICE.

Mr. Lucas's Profitable Holiday Wanderings.

A WANDERER IN VENICE. By E. V. Lucas. Fifteen illustrations in colors by Harry Morley and thirty-two photographs from paintings and a map. 8vo, pp. 322. The Macmillan Company.

Mr. Lucas is an ideal cicerone for the cognoscenti; innocents abroad he will only bewilder with the multiplicity of his allusions to past and present, to men and events. He assumes that those who venture with him upon his wanderings in his pages are as well equipped as he. Indeed, in the lightest, most leisurely of holiday moods he gives in these volumes, of which the present one is the fifth, a series of post-graduate lectures on travel—not on art alone, though that is always his chief quest. To be with him in the spirit one need not have visited the places of his pilgrimages in the body, but one must be familiar, through study, with them and what they offer and have been and are. His visits to palaces and art galleries and churches and monuments lead him, in vacation mood, from the days of the grandeur of the Republic to the revolution of Manin; no spot in the city but suggests its associations, remote or near, Italian or foreign. Goethe visited Venice; so did Byron. The name of Browning is linked with it; so is that of Wagner, and of d'Annunzio. If Mr. Lucas quotes Ruskin to us with a certain reserve, he is all for Mr. Howells's "Italian Life." Its truth and vivacity, he says, "are proof of how little the central Venice has altered, no matter what changes there may have been in government, or how often campanili fall."

But in the end art is his true quest, the Venetian school of painting in this book; and to lovers of that school it will appeal most of all. The illustrations from photographs are well printed. Mr. Morley's colored drawings are of varying merit.

BACKWARD LOOKS AND FORWARD GLANCES

A Second Book on the War by Professor Muensterberg —Remonstrances and Explanations—America and the World—German Americanism.

THE PEACE AND AMERICA.

THE PEACE AND AMERICA. By Hugo Muensterberg. 12mo, pp. 276. D. Appleton & Co.

Notwithstanding its pacific title, this new book by Harvard's well-known psychologist is here and there decidedly aggressive. Generally, however, the author resorts to argument; he seeks to convince us, most of us, he realizes, decidedly against our will. Still, he predicts that after the end of the war, when all misrepresentations will be exposed, when all the suppressed facts will come to light, America will revise its opinion of the rights and the wrongs of the tragedy, its origins and its conduct so far as Germany is concerned. One wonders if, when that time comes, Professor Muensterberg will modify his own opinion, here expressed, that since the twelfth century, when England began "the dastardly crushing of green Erin, to the twentieth century, when she broke down the peaceful Boer republic, her history has been one of ruthless aggression." His protest against our trade in war supplies with the Allies need not be answered again. The fallacy of the argument, with its specious appeal to morals, has already been sufficiently exposed. That trade is strictly neutral, and nothing else. It is its prohibition that would be the reverse. But, according to Professor Muensterberg, our action has robbed us of our splendid opportunity to arbitrate.

It is true that the average American was decidedly vague in his knowledge of history and geography when the war broke out, but will Professor Muensterberg maintain that the average German is much better informed concerning American history and geography, American institutions, American Kultur? One doubts it. Neither, for that matter, is the average Englishman or Frenchman. So far as this argument affects public opinion, it is rather on the subject of the acknowledged defects of our educational system than on that of the war. That much of what has come out of England—and out of Germany, too—in the way of "atrocities" was bald invention is unquestionably true; that it influenced the attitude of the majority of us is equally undeniable, but our psychologist himself frankly admits:

> I do not deny for a moment that whenever I read an official statement from Berlin as to a positive fact I accept it uncritically, and when I read one from Petrograd I begin to combine and to speculate what may have been the real happening. I defend this attitude of mine to my own conscience because I feel sure that the later events have not contradicted a statement of the German bulletin and have rather seldom confirmed, as far as I can see, the Russian. And yet I am psychologist enough not to forget how much this activity of my brain cells may be due to the fact that I breathed German air through happy schoolboy days.

One agrees with Professor Muensterberg concerning the utter lack of value of much of the controversial matter that has poured from the pens of English writers—from that of Conan Doyle, for one, and that of H. G. Wells, for another, who, indeed, has presented a queer spectacle of patriotic hysteria which led him to contradict all that he had previously said about Germany's services to civilization. William II is entitled to another eulogy; he has had so much of the other sort of thing of late! He surpasses even Colonel Roosevelt, Professor Muensterberg assures us, in the range of his interests and knowledge. The chapters on Kultur and "The Highest Values" are decidedly worth while, but then, the whole book invites consideration and reflection.

And what of to-morrow, of "the Peace and America"? New militarisms or pacificism, a system of multiple revived nationalities or a United States of Europe? As for us, we need neither suspect a victorious Germany nor a conquering England. The one will want peace and trade, not conquests; the other will be forced to return to her old policy of watching Russia on the Indian frontier. It is in the awakened Far East that our author sees danger for all the Western powers. Finally, there is the future of Americans of German birth and descent. Combined political action, proposed recently, the professor frowns upon, even if it could be successful, which it cannot: "Efforts to join the German and Irish vote in a movement against a too fervid pro-English policy of the country have been started repeatedly, but those who warned the German-Americans against such an alliance were surely not their worst friends." This part of the book is worth the plain American's while for the insight it gives him into the complexities of naturalized citizenship. That the German element has lost much of the ground it had won in this country is Professor Muensterberg's conclusion. He exhorts it to continue undismayed to give to the state the best and soundest and noblest of its traditions.

SWIFT AND THE DUBLIN BEADLE.

When Swift was first appointed Dean of St. Patrick's he was informed by one of the Chapter that the Beadle of the cathedral was a poet. Swift sent for the man, so we are told in that Georgian scrapbook, Stirling's "A Painter of Dreams" (John Lane), but found him most reticent. At last he commanded the Beadle to compose some verses on November 5, with this result:

"To-night's the Day, I speak it with great sorrow,
That we were all t'have been blown up To-morrow.
Therefore take care of Fires and Candle-Light;
'Tis a cold frosty Morn; and so Good-night."

VIEWS AND REVIEWS OF CURRENT FICTION

Maurice Hewlett's Icelandic Saga—Uproarious Farce by Harry Leon Wilson—A Good English Story of a Modern Woman—Other Reviews.

A LOVERS' TALE.

A LOVER'S TALE. By Maurice Hewlett. 12mo, pp. 197. Charles Scribner's Sons.

Mr. Hewlett retells in this short novel the Icelandic saga of Cormac, the son of Ogmund the Viking, and of his love for Stangerd, the woman beyond compare. In the original version, which dates from the tenth century, a witch woman casts a spell over Cormac which causes him to continue to love Stangerd while ceasing to desire to marry her, and this is perhaps the more understandable version. With the aid of the supernatural, Cormac's behavior is more easily explained than it is by Mr. Hewlett's psychological interpretation. According to him, Cormac was a skald, a poet—throughout we get snatches of his song—and to the poet desire is greater than attainment, idealization higher than possession. One need not, however, take this modern view of an age-old tale too seriously in order to enjoy the Norse spirit of Mr. Hewlett's tale. His men have the heroic stature of their semi-historic period; the retold lovers' tale remains a saga still. One revels in the primitive simplicity of this company of Norsemen, in their reliance upon their prowess and in the virtue of their swords.

RUGGLES OF RED GAP.

RUGGLES OF RED GAP. By Harry Leon Wilson. Illustrated by F. R. Gruger. 12mo, pp. 371. Doubleday, Page & Co.

Mr. Wilson deserves a vote of thanks for this roaring farce, which he maintains at its top level of fun through nearly four hundred pages. Mr. Ruggles is a correct English valet; Red Gap is in the State of Washington. The contrast is the foundation of it all. Ruggles's adventures with Americans begin in Paris, however, where his master and another Wild Westerner break away from the reservation, taking poor Ruggles along. In Red Gap he begins to find himself. He starts an up-to-date restaurant, invents Ruggles's International Relish and gradually begins to feel that, since these cheerful, free people consider him as good as themselves, he may, after all, be just as good as they are. There is a well-born Englishman in the story, and his broth r, who is an earl, and both are "good mixers"; there is also a Bostonian, who won't mix at all. But his mother-in-law is the best mixer of the whole string. Then there is Klondike Kate, the bewitching widow with somewhat of an arctic past.

But the plot is only the thread upon which the fun is strung. One laughs incessantly from beginning to end, the more heartily because true Americanism is always discernible below the humorous exaggeration. And here and there Mr. Wilson neatly burlesques the conception of the American current in British fiction and the British press. The book is robust, wholesome, hearty fun. One wishes it a large circle of readers—for the readers' sake even more than for that of the author, who certainly deserves the fruits of his labor.

ON THE FIGHTING LINE.

ON THE FIGHTING LINE. By Constance Smedley. 12mo, pp. 404. G. P. Putnam's Sons.

This novel deserves the attention of all lovers of good work. It has nothing to do with the war; the author explains in a foreword that the title was chosen before the outbreak of the conflict, but in another sense the story fully justifies its selection, for this is a picture of the fighting line of economically independent womanhood, of the woman who earns her living. The heroine is an average girl of her type, a soldier in the ranks of trade—a stenographer; conquest in the world of business is not for her. The author presents hard facts—the ragged edge, the price of a right so enthusiastically claimed. This is a case of necessity. We have had other stories of this type ere now, Kathleen Norris's "Saturday's Child," for instance, but this new study of conditions as they are at present is decidedly worth while.

It is an English story; London is its scene, but its heroine is more than an Englishwoman. Without ever ceasing to be an individual, she constantly suggests the modern type and all its problems, its ambitions, its illusions, its courage even when its back is against the wall, its discouragements. It is, indeed, the real fighting line, no longer for man alone, though the commands are still his only. The story is peopled with many well-seen characters. While it is the women workers in this story who reflect upon and discuss their position and opportunities, and especially their handicaps, the business men in it give it no thought. That is left to the young poet, Jack Ford, who has three hundred pounds a year of his own. His theories have the familiar ring. Listen to him holding forth on the subject of the parasitic woman:

> They are shut up in a fort that's undermined, and they know it's undermined and they are drugging themselves and dancing themselves into oblivion of the fact, but every day they find it harder to do so, and the fear grows stronger. The idea of being thrown out into the din and noise and discomfort and dangers of the firing line makes them scramble like wild cats for the stuff that means life to them—men with money. There never was a time in the whole world's history where the kept women are fighting to be kept as they are today. They come out half-stripped; they stop at nothing to excite the men they want; they're flinging every restraint behind them; it's a scramble that's getting fiercer and more brazen and more shameless because it's a scramble in a losing game. We can't afford them, and the world is waking up to the fact, and they've got to be pitchforked out of their nests and made to toe the line.

But the working girl simply answers that she wants "those things, the things that make women happy." Of course, as yet only one ending has been found for the fiction of the woman on the firing line—marriage. Perhaps there is as yet no other solution in real life for the vast majority of her. Nevertheless, one wishes for a novel whose heroine treads the path of economic independence to the very end in our present socio-economic system, to the hour when her energies flag and her strength fails, when her fighting days are over and yet the fight must be carried on. That, too, is a situation long familiar to men. Such a novel of the new woman might be worth while.

C. O. D.

C. O. D. By Natalie Sumner Lincoln. Illustrated by Charles L. Wrenn. 12mo, pp. 329. D. Appleton & Co.

This is not only the best story Mrs. Lincoln has written thus far, it is also as engrossing a detective story as one is likely to find nowadays. The narrative is most ingeniously constructed, it presents new complications, new pur-

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